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2
3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 * * *

6 Andreea Melissa Olteanu,

7 Plaintiff,

8 v.

9 Louis Schneider, et al.,

10 Defendants.

Case No. 2:23-cv-02006-RFB-DJA

Order

11 Under 28 U.S.C. § 1915 Plaintiff is proceeding in this action *pro se* and *in forma*
12 *pauperis*. Plaintiff has filed a declaration, which the Court liberally construes as her motion to
13 amend her complaint (ECF No. 54), a proposed amended complaint (ECF No. 55), a motion for
14 joinder of additional defendants (ECF No. 56), and a motion to file her motion for joinder and
15 preliminary injunction (ECF No. 58). The Court denies these motions and will give Plaintiff one
16 more opportunity to file a motion to amend her complaint which attaches a *complete* proposed
17 amended complaint.

18 As a preliminary matter, Plaintiff did initially attempt to follow the Court's January 30,
19 2025, order in which it explained that "Plaintiff must file a motion to amend her complaint if she
20 wishes to amend at this stage" by filing her declaration (ECF No. 54) and proposed amended
21 complaint (ECF No. 55). The Court liberally construes Plaintiff's declaration as a motion to
22 amend. And Plaintiff's proposed amendment appeared completed.

23 However, just a few days after she filed her declaration and proposed amendment,
24 Plaintiff filed a motion for joinder of additional defendants,¹ meaning that her complaint was not
25 complete because it did not name all the defendants Plaintiff wishes to sue in this lawsuit. (ECF
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28 ¹ Certain of the defendants who Plaintiff seeks to join in this action are already named in her proposed amended complaint, while certain others are not.

1 No. 56). The Court has also already denied one of Plaintiff's motions for joinder of additional
2 defendants, explaining that Plaintiff's proposed amendment must be complete for the Court to
3 consider it. (ECF No. 40). The Court added that it cannot "piecemeal documents together to
4 determine whether Plaintiff states a colorable claim in her complaint." (*Id.* at 1). And it warned
5 Plaintiff that her "complaint must contain all defendants; all factual allegations that Plaintiff
6 wishes to include in this lawsuit; and if Plaintiff brings the action as executrix of the Estate of
7 Mark Porcelli, the legal basis for her to do so." (*Id.* at 2). The Court will not consider Plaintiff's
8 proposed amended complaint because it is not complete.

9 A complaint must be complete in and of itself, without references to prior complaints. *See*
10 *Festa v. NDOC*, No. 2:17-cv-00850-APG-NJK, 2018 WL 3715708, at *1 (D. Nev. Aug. 3, 2018).
11 This is because an amended complaint supersedes (replaces) an original complaint. *See id.* (citing
12 *Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989)).
13 Plaintiff attempts to bring her claims and add parties through both a proposed amended complaint
14 (ECF No. 55) and a motion for joinder of additional defendants (ECF No. 56). But the Court will
15 not piecemeal these documents together to determine whether Plaintiff states a colorable claim
16 against defendants. Therefore, the Court will not grant Plaintiff's motion to amend, nor will it
17 screen her proposed amended complaint. The Court will give Plaintiff one **final** opportunity to
18 submit a motion to amend her complaint that **attaches** an amended complaint that is **complete** in
19 itself. Plaintiff's complaint must contain all defendants and all factual allegations that Plaintiff
20 wishes to include in this lawsuit. Plaintiff is not required to file exhibits with her amended
21 complaint, but if she does, they must be filed with the amended complaint.

22 The Court also denies Plaintiff's motion for joinder of additional defendants as moot (ECF
23 No. 56) and denies her motion for leave to file her motion for joinder and motion for preliminary
24 injunction (ECF No. 58) because Plaintiff already filed those motions and did not otherwise need
25 to seek leave to do so.

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27 **IT IS THEREFORE ORDERED** that Plaintiff shall have until **March 26, 2025**, to file
28 an amended complaint that is **complete** in itself and includes **all defendants** and **all factual**

1 **allegations.** Failure to comply with this order will result in the recommended dismissal of
2 **this case.** The Clerk of Court is kindly directed to send Plaintiff a copy of this order.

3 **IT IS FURTHER ORDERED** that Plaintiff's motion to join additional defendants (ECF
4 No. 56) and motion for leave to file motions (ECF No. 58) are **denied.**

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6 DATED: February 24, 2025,



DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE